

**CHAP. 74.**—An Act Providing for the acquirement by the United States of privately owned lands within Taos County, New Mexico, known as the Santa Barbara grant, by exchanging therefor timber, or lands and timber, within the exterior boundaries of any national forest situated within the State of New Mexico.

January 12, 1925.

[S. 1762.]

[Public, No. 319.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior be, and he hereby is, authorized in his discretion to accept on behalf of the United States title to all or any part of privately owned lands, situated within the Santa Barbara grant, located within the county of Taos, State of New Mexico, if in the opinion of the Secretary of Agriculture public interests will be benefited thereby, and the lands are chiefly valuable for national forest purposes, and in exchange therefor the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State; the values in each case to be determined by the Secretary of Agriculture and acceptable to the grantor as a fair compensation. Timber given in exchange shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture.

National forests.  
Private lands in Santa Barbara grant, N. Mex., may be accepted for purposes of.

National forest timber allowed in exchange.

Supervision of cutting and removal of timber.

Identification of lands offered.

Made a part of Carson National Forest.

Advertising of proposed exchange.

**SEC. 2.** That lands offered for exchange hereunder and not covered by public land surveys shall be identified by metes and bounds surveys and that such surveys and the plats and field notes thereof shall be made by employees of the United States Forest Service and approved by the United States Surveyor General.

**SEC. 3.** That any lands conveyed to the United States under the provisions of this Act shall, upon acceptance of the conveyance thereof, become and be a part of Carson National Forest.

**SEC. 4.** That before any exchange of lands for timber as above provided is effected, notice of such exchange proposal, describing the lands involved therein, shall be published once each week for four consecutive weeks in some newspaper of general circulation in the county in which such lands so to be conveyed to the United States are situated.

Approved, January 12, 1925.

**CHAP. 75.**—An Act To establish an Alaska Game Commission to protect game animals, land fur-bearing animals, and birds, in Alaska, and for other purposes.

January 13, 1925.

[S. 2559.]

[Public, No. 320.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act shall be known by the short title of the "Alaska Game Law."

Alaska Game Law.

**SEC. 2. DEFINITIONS.**—That for the purposes of this Act the following shall be construed, respectively, to mean:

Terms construed.

Commission: The Alaska Game Commission:

"Commission."

Territory: Territory of Alaska.

"Territory."

Person: The plural or the singular, as the case demands, including individuals, associations, partnerships, and corporations, unless the context otherwise requires.

"Person."

Take: Taking, pursuing, disturbing, hunting, capturing, trapping, or killing game animals, land fur-bearing animals, game or nongame birds, attempting to take, pursue, disturb, hunt, capture, trap, or kill such animals or birds, or setting or using a net, trap, or other device for taking them, or collecting the nests or eggs of such birds, unless the context otherwise requires. Whenever the taking of animals, birds or nests or eggs of birds is permitted, reference is had to taking by lawful means and in lawful manner.

"Take."

"Open season."

Open season: The time during which birds or animals may lawfully be taken. Each period of time prescribed as an open season shall be construed to include the first and last days thereof.

"Close season."

Close season: The time during which birds and animals may not be taken.

"Transport."

Transport: Shipping, transporting, carrying, importing, exporting, or receiving or delivering for shipment, transportation, carriage, or export, unless the context otherwise requires.

"Game animals."

Game animals: Deer, moose, caribou, elk, mountain sheep, mountain goat, and the large brown and grizzly bears, which shall be known as big game.

"Land fur-bearing animals."

Land fur-bearing animals: Beaver, muskrat, marmot, ground squirrel (spermophiles), fisher, fox, lynx, marten or sable, mink, weasel or ermine, land otter, wolverine, polar bear, and black bear, including its brown and blue (or glacier bear) color variations.

"Game birds."

Game birds: Migratory waterfowl, commonly known as ducks, geese, brant, and swans; shore birds, commonly known as plover, sandpipers, snipe, little brown cranes, and curlew, and the several species of grouse and ptarmigan, which shall be known as small game.

"Nongame birds."

Nongame birds: All wild birds except game birds.

Residents.

Domicile, construing.

SEC. 3. APPLICATION AND CONSTRUCTION.—That for the purposes of this Act a citizen of the United States who has been domiciled in the Territory not less than one year for the purpose of making his permanent home therein, or a foreign-born person not a citizen of the United States who has declared his intention to become a citizen of the United States, and has been domiciled in the Territory for a like period and purpose, shall be considered a resident; but if such a foreign-born person shall not have been admitted to citizenship within seven years from the date he declared his first intention to become a citizen, he shall thereafter be deemed to be an alien until admitted to citizenship. A foreign-born person not a citizen of the United States who has not declared his intention to become a citizen of the United States, or who has not resided in the Territory for at least one year after having declared such intention, shall be considered an alien.

Citizenship of aliens.

Aliens not citizens.

Invalidity of any clause, etc., not to affect remainder of Act.

That if any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or parts thereof directly involved in the controversy in which such judgment shall have been rendered.

Alaska Game Commission.

Created, qualification, terms, etc.

SEC. 4. ALASKA GAME COMMISSION CREATED.—That a commission to be known as the "Alaska Game Commission" is hereby created. The commission shall consist of five members, four of whom shall be appointed by the Secretary of Agriculture within sixty days after the passage of this Act, one member from each of the four judicial divisions of the Territory, each of whom shall be a resident citizen of the district from which he is appointed, and shall before his appointment have been for five years a resident of Alaska and shall not be a Federal employee, and all of whom shall serve until June 30 next following and thereafter one to serve one year, one to serve two years, one to serve three years, and one to serve four years, as the members of the commission may determine by lot, and thereafter their successors to be appointed in like manner to serve for four years unless sooner removed. The fifth member shall be the chief representative of the Bureau of Biological Survey resident of Alaska, who shall be the executive officer and fiscal agent of the commission and under the direction

Biological Bureau representative on, to be the executive officer, etc.

of the commission shall direct the administration of the provisions of this Act and disburse such sums as may be allotted therefor. The Secretary of Agriculture may remove a commissioner for inefficiency, neglect of duty, or misconduct in office, giving him a copy of the charges against him and opportunity to be publicly heard in person or by counsel in his own defense; pending the investigation of the charges the Secretary may suspend such commissioner. The Secretary of Agriculture shall fill vacancies on the commission by appointment for the unexpired term, and a vacancy shall be filled by appointment from the same judicial division in which it occurs. The office of any commissioner shall be vacant upon his removing his residence from the judicial division from which he was appointed.

That the members of the commission, other than the executive officer, shall receive no compensation for their services as members thereof, except a per diem of \$10 for each member for each day going to and from and in actual attendance at meetings of the commission, but the total salary or per diem compensation of the member from the second judicial division shall not exceed the sum of \$1,500, and that of any of the other members, except the executive officer, the sum of \$900 in any one fiscal year, and each such member in addition shall have reimbursed to him in any one fiscal year for actual and necessary traveling and subsistence expenses incurred or made in the discharge of his official duties a sum not to exceed the maximum amount allowed him for salary, which shall be paid on proper vouchers from the appropriation for the enforcement of the Alaska game law. The executive officer shall be paid his salary and shall have reimbursed to him all actual and necessary traveling and other expenses and disbursements in accordance with the fiscal regulations of the Department of Agriculture, payable from the appropriation for the enforcement of the Alaska game law and from such other appropriations for the work of the Bureau of Biological Survey in the Territory as the Secretary of Agriculture may designate.

That the commission shall maintain and have its principal office in the capital of the Territory. The members of the commission shall meet at such principal office immediately following their appointment at a time designated by the Secretary of Agriculture, and shall organize by electing one member chairman and one member secretary, and shall determine by lot the terms of the members, other than the term of the executive officer.

That a majority of the members shall constitute a quorum for the transaction of business. All investigations, inquiries, hearings, and decisions of a commissioner shall be deemed to be the investigations, inquiries, hearings, and decisions of the commission, when approved by it and entered by it in its minutes, and every order made by a commissioner, when approved and confirmed by the commission and ordered filed in its office, shall be and be deemed to be the order of the commission. The commission shall have an official seal.

SEC. 5. DUTIES AND POWERS OF THE COMMISSION, WARDENS, AND OFFICERS.—That the commission shall have authority to employ and remove game wardens, deputies, clerks, and such other assistants as may be necessary, to fix their periods of service and compensation, to rent quarters, and to incur other expenses, including printing, necessary for the enforcement of this Act and for which appropriation has been made; but, subject to review by the commission, the executive officer may suspend or remove any game warden or other employee for cause, including insubordination.

Removals.

Filling vacancies.

Compensation limited.

Reimbursement for traveling, etc., expenses.

Pay, etc., of executive officer.

Principal office.  
Meetings.

Quorum, investigations, etc.

Seal.

Appointment, etc., of wardens and other assistants.

Expenses authorized.

Arrests, without warrants, of persons committing violations.

Execution of warrants, etc.

Search of camps and vessels.

Vol. 41, p. 716.

Issue of warrants.

Seizure of guns, animals, etc.

Forfeiture and disposal on conviction of violation.

Custody of seized property, etc.

Assistance of Treasury and postal officials.

Bonds required of officials.

Payment of bond premiums.

Reports and estimates to be filed each year.

That each member of the commission, any warden, any person appointed by the Secretary of Agriculture or by the commission to enforce this Act, any Forest Service employee, marshal, deputy marshal, collector or deputy collector of customs, officer of a Coast Guard vessel, special officer of the Department of Justice, or licensed guide shall have power, in or out of the Territory, and it shall be his duty, to arrest without warrant any person committing a violation of this Act in his presence or view, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; he shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this Act; and he shall have authority, with a search warrant, to search any place at any time. Any officer or employee empowered to enforce this Act shall have with respect to camps and vessels of the United States like authority and powers of search as are conferred with respect to such vessels upon wardens appointed by the Secretary of Agriculture for the protection of land fur-bearing animals in Alaska, by the Act of June 30, 1921 (Forty-first Statutes at Large, page 694, at page 716). The several judges of the courts established under the laws of the United States and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. All guns, traps, nets, boats, dogs, sleds, and other paraphernalia used in or in aid of a violation of this Act may be seized, and all animals, birds, or parts thereof, or nests or eggs of birds taken, transported or possessed contrary to the provisions of this Act shall be seized within or outside the Territory by any officer or person authorized to enforce this Act, and upon conviction of the offender or upon judgment of a court of the United States that the same were being used or were taken, transported, or possessed in violation of this Act, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction, and if sold the proceeds of sale shall be transmitted by the clerk of the court to the executive officer to be disposed of as are other receipts of the commission. Any property, animals, birds, or parts thereof, or nests or eggs of birds seized by a licensed guide shall be safely held and promptly delivered by him to the commission, a game warden, or to a marshal or a deputy marshal. It shall be the duty of the Secretary of the Treasury and the Postmaster General, upon request of the Secretary of Agriculture, to aid in carrying out the provisions of this Act.

SEC. 6. BOND OF COMMISSIONERS.—That before entering upon the duties of his office, each member of the commission, other than the executive officer, shall execute and file with the Secretary of Agriculture a bond to the people of the United States in the sum of \$1,000, with sufficient sureties, and the executive officer shall so file such a bond in the sum of \$20,000, and each game warden or other person authorized by the commission to sell licenses shall so file such a bond in the sum of \$500, conditioned for the faithful performance of their respective duties, and for the proper accounting and paying over, pursuant to law, of all moneys or property received by them, respectively. Each member of the commission and each of such game wardens or other persons shall have reimbursed to him on proper voucher the premium paid by him on his bond.

SEC. 7. ESTIMATES AND REPORTS.—That the commission, on or before the 15th day of July of each year, shall file with the Secretary of Agriculture a detailed estimate of the appropriation necessary for the service during the following fiscal year, and on or before the 1st day of October of each year shall submit a

detailed report to him covering the administration of the law, including all expenditures and other operations for the preceding fiscal year, and such estimates shall be subject to revision by him.

SEC. 8. TAKING OF ANIMALS AND BIRDS RESTRICTED.—That, unless and except as permitted by this Act or by regulations made pursuant to this Act, it shall be unlawful for any person to take, possess, transport, sell, offer to sell, purchase, or offer to purchase any game animal, land fur-bearing animal, wild bird, or any parts thereof, or any nest or egg of any such bird, or, except under regulations of the Secretary of Agriculture, to molest, damage, or destroy beaver or muskrat houses: *Provided*, That nothing in this Act shall be construed to prevent the collection or exportation of animals, birds, parts thereof, or nests or eggs of birds for scientific purposes, or of live animals, birds, or eggs of birds, for propagation or exhibition purposes, under a permit issued by the Secretary of Agriculture and under such regulations as he may prescribe. Land fur-bearing or game animals which escape from captivity, unless recaptured by their owners, and all fur and game animals hereafter introduced into Alaska are declared to be wild fur-bearing or game animals and shall be subject to the provisions of this Act.

Taking game animals, etc., without permits, unlawful.

Beaver and muskrat houses.

*Proviso.* Scientific, propagation, or exhibition purposes, collecting, etc., allowed.

Escaping animals, etc., declared wild.

SEC. 9. POISON, USE PROHIBITED.—That no person shall at any time use any poison to kill any animal or bird protected by this Act or put out poison or a poisoned bait where any such animal or bird may come in contact with it; but a game warden or predatory animal hunter employed by or under the direction of the commission may use poison to kill wolves, coyotes, or wolverines, under such regulations as the commission may adopt; and no person shall sell or give any strychnine or other poison designated by the commission to any hunter or trapper, including native Indians or Eskimos who hunt or trap. No hunter or trapper, including native Indians or Eskimos who hunt and trap, shall have any strychnine or other poison designated by the commission in his possession, and any such poison found in the possession of any such person shall be seized and disposed of in such manner as the commission may determine. Any person selling or otherwise disposing of any strychnine or any other poison designated by the commission shall keep a record in a special book showing the name and address of each person purchasing or otherwise procuring it and the kind and amount thereof, which record shall at all times be open to inspection by any game warden or other officer authorized to enforce this Act, and he shall transmit such information monthly to the commission.

Poison restriction, etc.

Allowed to destroy wolves, etc.

Sales to hunters forbidden.

Seizure, etc., if possessed by hunters, etc.

Special record required of sales of designated poison.

SEC. 10. REGULATIONS.—That the Secretary of Agriculture, upon consultation with or recommendation from the commission, is hereby authorized and directed from time to time to determine when, to what extent, if at all, and by what means game animals, land fur-bearing animals, game birds, nongame birds, and nests or eggs of birds may be taken, possessed, transported, bought, or sold, and to adopt suitable regulations permitting and governing the same in accordance with such determinations, which regulations shall become effective ninety days after the date of publication thereof by the Secretary of Agriculture; but no such regulation shall permit any person to take any female yearling or calf moose, any doe yearling or fawn deer, or any female or lamb mountain sheep except under permit for scientific, propagation, or educational purposes; or to use any dog in taking game animals; or to sell the heads, hides, or horns of any game animals, except the hides of moose, caribou, deer, and mountain goat which the regulations may permit to be sold under such restrictions as the Secretary may deem to be

General regulations for taking game animals to be prescribed.

Special prohibitions.

Firearms, boats, etc.	appropriate; or to use any shotgun larger than a number 10 gauge; or to use any airplane, steam or power launch, or any boat other than one propelled by paddle, oars, or pole in taking game animals or game birds; or to sell any game animals, game birds, or parts thereof, to the owner, master, or employee of any coastal or river steamer or commercial power or sail boat, or to procure for serving or to serve any such game animals, game birds, or parts thereof, in any cannery or other commercial mess house, or to the employees on any such steamer or boat; nor, except as herein provided, shall prohibit any Indian or Eskimo, prospector, or traveler to take animals or birds during the close season when he is in absolute need of food and other food is not available, but the shipment or sale of any animals or birds or parts thereof so taken shall not be permitted, except that the hides of animals so taken may be sold within the Territory, but the Secretary by regulation may prohibit such native Indians or Eskimos, prospectors, or travelers from taking any species of animals or birds for food during the close season in any section of the Territory within which he shall determine that the supply of such species of animals or birds is in danger of extermination; nor shall any such regulation contravene any of the provisions of the migratory bird treaty Act and regulations.
Sales of game, etc., forbidden.	
Use for food allowed.	
Special prohibition.	
No contravention of migratory bird law.	
Licenses. Nonresidents hunting.	SEC. 11. LICENSES: SUBDIVISION A. NONRESIDENT HUNTING LICENSE.—That, except as otherwise permitted by this Act, or by regulation made pursuant thereto, no nonresident shall take or possess any of the animals or birds protected by this Act without first having procured a nonresident hunting and trapping license as herein provided.
Resident shipping. Restrictions.	SUBDIVISION B. RESIDENT SHIPPING LICENSE.—That no resident of the Territory shall export any game animal or part thereof, except that he may export for mounting and return to the Territory in any one year but not for sale, not to exceed two heads or trophies of each species of game animal legally killed by him, upon first procuring a resident shipping license as herein provided, but the Secretary may, by regulation, permit a citizen of the United States, who has been a resident of the Territory for at least two years and who is removing his residence from the Territory, to export trophies of game animals legally acquired by him, upon first procuring a resident shipping license as herein provided.
Resident hunting and trapping. Requirements.	SUBDIVISION C. RESIDENT HUNTING AND TRAPPING LICENSES.—That the commission, whenever it shall deem expedient, may by regulation require residents of the Territory to procure resident hunting and trapping licenses authorizing them to take animals and birds protected by this Act, and when such licenses shall have been required of residents the fee therefor shall be as follows: For each hunting license the sum of \$2 and for each trapping license the sum of \$2, but no such license shall be required of native-born Indians, Eskimos, or half-breeds who have not severed their tribal relations by adopting a civilized mode of living or by exercising the right of franchise. After the expiration of sixty days from the adoption of such regulation no resident shall take any animal or bird protected by this Act without having first procured resident hunting and trapping licenses as herein provided.
Fees.	
Registered guides. Persons entitled to act as.	SUBDIVISION D. REGISTERED GUIDE LICENSE.—That only a resident citizen or a resident native Indian or Eskimo of the Territory may act as guide for a nonresident in any section of the Territory where the commission by regulation requires nonresidents to employ guides, and he shall first register with the commission in a book which it shall keep for this purpose and procure a registered guide license as herein provided, and the commission shall determine by

regulation the qualifications required of such guides. No person other than a registered guide shall act as guide for a nonresident in any section of the Territory where guides are required by regulation of the commission to be registered.

**SUBDIVISION E. ALIEN SPECIAL LICENSE.**—That no alien shall take any of the animals or birds protected by this Act, or own or be possessed of a shotgun, rifle, or other firearm, except under an alien special license issued as herein provided.

Alien special.

**SUBDIVISION F. REPORTS.**—Each person to whom a license to take birds or animals, or to deal in furs, is issued, shall, on or before thirty days after the expiration of his license, make a written report to the commission on a form prepared and furnished by it, stating the kind and number of each species of bird or animal taken, purchased, or otherwise procured under such license. A licensee who willfully fails or neglects to make such report shall not be entitled to, nor shall he be granted, a license to take birds or animals or deal in furs for one year from the date such report is due, but no other punishment shall be imposed.

Reports required of licensees.

Penalty for failure.

**SUBSECTION G. FUR-FARM LICENSE.**—That no person shall engage in the business of farming land fur-bearing animals or possess them for purposes of propagation without first having procured a fur-farm license as herein provided.

Fur farm.

**SUBDIVISION H. FUR DEALERS, LICENSES, FEES.**—No person shall buy or sell the skins of fur-bearing animals, or engage in, carry on, or be concerned in the business of buying, selling, or trading in the skins of fur-bearing animals protected by this Act without first having procured a license as herein provided, but no license shall be required of a native-born resident Indian, Eskimo, or half-breed who has not severed his tribal relations by adopting a civilized mode of living or by exercising the right of franchise, or of a hunter or trapper selling the skins of such animals which he has lawfully taken, or of a person not engaged or employed in the business of trading in such skins to purchase them for his own use but not for sale.

Fur dealers.

Exception.

The applicant for such a license shall accompany his application by the required fee, as follows:

Fees required for dealers.

(a) If the applicant is a resident of the Territory, the sum of \$10.

Residents.

(b) If the applicant is a nonresident of the Territory, who is a citizen of the United States, or is a corporation, association, or copartnership organized under the laws of the Territory or of a State of the United States, the sum of \$250.

Nonresident citizens, etc.

(c) If the applicant is an alien, or is a corporation, association, or copartnership not organized under the laws of the Territory or of a State of the United States, the sum of \$500.

Aliens.

If a resident agent for a fur dealer within the meaning of clause (c) of this section, the sum of \$10.

Resident agent.

If a nonresident, who is a citizen of the United States and an agent for a dealer within the meaning of said clause (c), the sum of \$250.

Nonresident agent.

**SUBDIVISION I. FEES AND APPLICATIONS FOR, AND ISSUANCE OF LICENSES.**—Licenses, with the exception of alien special licenses and resident shipping licenses, shall be issued by the commission through its members, game wardens, and other persons authorized by it in writing to sell licenses. Alien special licenses shall be issued only by the members of the commission, and resident shipping licenses shall be issued by members of the commission and by the collector of customs at the port of shipment. Application blanks for licenses shall be furnished by the commission and shall be in such form as the commission may by regulation determine; and each application

Issue of licenses.

Applications, etc.

shall be subscribed and sworn to by the applicant before an officer authorized to administer oaths in the Territory; and the members of the commission, and its game wardens and other persons authorized in writing by it to issue licenses are hereby authorized to administer oaths to applicants for such licenses. The applicant for a license shall accompany his application with a license fee as follows:

## Fees.

Nonresidents for game.

Nonresident big game, small game, and fur-bearing animal hunting and trapping license, \$50.

Resident shipping trophies.

Nonresident small game hunting license, \$10.

Resident shipping and return license, \$1 for each trophy.

Resident removing from Territory, \$5 for each trophy of big game.

Guide.

Registered guide license, \$10.

Alien special.

Alien special license, \$100.

Fur farm.

Fur farm license, \$2.

Licenses void if statements in applications false.

SUBDIVISION J. FALSE STATEMENT IN APPLICATION FOR AND

ALTERATION AND EXPIRATION OF LICENSES.—That any false statement in an application for license as to citizenship, place of residence or other material facts shall render null and void the license issued upon it. Any person who shall make any false statement in an application for a license shall be deemed guilty of perjury, and

Offense deemed perjury.

Altering, etc., licenses forbidden.

upon conviction thereof shall be subject to the penalties provided for the commission of perjury. No person shall alter, change, loan, or transfer to another any license issued to him in pursuance of this Act, nor shall any person other than the one to whom it is issued use such license; and each of such licenses shall expire the 30th day of June next succeeding its issuance.

Expiration of.

Proceeds of licenses, etc.

SUBDIVISION K. PROCEEDS OF LICENSES, DISPOSITION OF.—That each officer or person selling licenses shall, as soon as practicable after the first day of each month, transmit the proceeds thereof with a report of such sales to the executive officer, who shall keep accurate records thereof and of receipts from all other sources and promptly transmit 50 per centum thereof to the Secretary of Agriculture, to be covered into the Treasury of the United States as miscellaneous receipts, and 50 per centum thereof to the treasurer of the Territory to be covered into the territorial school fund.

Distribution equally to the Treasury and to Territory for school fund.

Collectors of customs.

Duties over shipments of game, etc.

SEC. 12. COLLECTORS OF CUSTOMS, DUTIES OF.—That it shall be the duty of collectors of customs at ports of entry in the United States to keep accurate accounts of all consignments of game birds, game animals, skins of land fur-bearing animals, and parts thereof received from or returned to the Territory, except birds, nests, and eggs shipped under a scientific permit issued by the Secretary of Agriculture; and it shall be the duty of all collectors of customs to enforce the provisions of regulations adopted pursuant to this Act with respect to shipments of animals or birds or nests or eggs of birds.

District attorneys. Action by, for violations.

SEC. 13. UNITED STATES ATTORNEYS, DUTIES OF.—That it shall be the duty of the United States attorney for the division in which any wild animal or wild bird, or part thereof, or nest or egg of such bird, or any gun, trap, net, boat, dog, sled, or other paraphernalia has been seized, or has been used, taken, transported, bought, sold, or possessed contrary to the provisions of this Act, to institute an action in rem against it for the forfeiture thereof to the United States in any case in which the disposition of such article is not involved in a criminal prosecution; the possession of any wild animal, bird, or part thereof, or nest or egg of such bird, during the time when the taking of it is prohibited, shall, in any such action, constitute prima facie evidence that it was taken, possessed, bought, sold, or transported in violation of the

Possession of prohibited game, etc., prima facie evidence of violation.



provisions of this Act, and the burden of proof shall be upon the possessor or claimant of it to overcome the presumption of illegal possession and to establish the fact that it was obtained and is possessed lawfully; and in case of judgment being rendered in favor of the United States, it shall be disposed of as directed by the court having jurisdiction, and if sold, the proceeds of sale shall be transmitted by the clerk of the court to the executive officer to be disposed of as are other receipts of the commission.

Disposition of proceeds from forfeiture sales.

SEC. 14. TRANSFER OF FUNDS.—That the unexpended balances of any sums appropriated by the Agricultural Appropriation Act for the fiscal years ending June 30, 1924 and 1925, for enforcing the provisions of section 1956 of the Revised Statutes, as amended, so far as it relates to the protection of land fur-bearing animals in the Territory, or by the Sundry Civil Act for the fiscal years ending June 30, 1924 and 1925, for the protection of game in the Territory, are hereby made available until expended for the expenses of carrying into effect the provisions of this Act and regulations made pursuant thereto.

Unexpended balances available.  
Vol. 42, p. 1310.  
*Ante*, p. 451.  
R. S., sec. 1956, p. 343.  
Vol. 36, p. 327.  
Vol. 42, p. 1177.  
*Ante*, p. 428. *Post*, p. 1326.

SEC. 15. PENALTIES.—That unless a different or other penalty or punishment is herein specifically prescribed, a person who violates any provision of this Act, or who fails to perform any duty imposed by this Act or any order or regulation adopted pursuant to this Act, is guilty of misdemeanor and upon conviction thereof shall be fined not less than \$25 nor more than \$500 or be imprisoned not more than six months, or both; and, in addition thereto, the conviction of any licensed hunter for a violation of any of the provisions of this Act shall cause a forfeiture of his license and he shall surrender it upon demand to any person authorized by the commission to receive it; that all moneys from fines shall be transmitted by the clerk of the court to the executive officer to be disposed of as are other receipts of the commission.

Punishment for violations.

Forfeiture of hunting license.

Disposal of fines.

That any licensed guide who shall fail or refuse to report promptly to the commission any violation of this Act of which he may have knowledge, shall be guilty of a violation of this Act, and, in addition thereto, shall have his license revoked and shall be ineligible to act as a licensed guide for a period of five years from the time of his conviction therefor, or, of the establishment to the satisfaction of the commission of definite proof of such offense.

Guides to have license revoked, etc., for not reporting known violations.

SEC. 16. EXISTING LEGISLATION CONTINUED IN FORCE TEMPORARILY.—That the provisions of existing laws relating to the protection of game and fur-bearing animals, birds, and nests and eggs of birds in the Territory shall remain in full force and effect until the expiration of ninety days from the date of the publication of regulations of the Secretary of Agriculture adopted pursuant to the provisions of this Act.

Existing laws continued until 90 days after regulations published.

SEC. 17. That nothing in this Act contained shall be construed as repealing or modifying in any manner section 6 of the Act of Congress approved February 26, 1917 (Thirty-ninth Statutes at Large, page 938), entitled "An Act to establish the Mount McKinley National Park in the Territory of Alaska."

Mount McKinley National Park.  
Game refuge regulations for, not affected.  
Vol. 39, p. 939.

SEC. 18. DATE EFFECTIVE.—That the provisions of this Act relating to the creation and organization of the commission and with respect to making or adopting regulations shall take effect on its passage and approval; all other provisions of this Act shall take effect ninety days from the date of the publication of regulations of the Secretary of Agriculture.

Effective dates.

Approved, January 13, 1925.